

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CYNTHIA BYAS, KAREN YAPP,)
RODNEY C. GRADY, et al.,)
)
Plaintiffs,)
)
v.) **Case No. 06-CV-0475-MJR**
)
UNION PACIFIC RAILROAD)
COMPANY,)
)
Defendant.)

ORDER

REAGAN, District Judge:

On November 9, 2007, the parties filed a stipulation to voluntarily dismiss this case with prejudice (Doc. 40). Though this is a putative class action, no class has been certified in this case. Therefore, **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)** governs this dismissal, rather than Rule 23(e).

Rule 41(a)(1)(ii) provides that plaintiffs may voluntarily dismiss an action “by filing a stipulation of dismissal signed by all parties who have appeared in the action.” Plaintiffs submitted a stipulation of dismissal signed by Herman N. Johnson, Jr., counsel for plaintiffs, and Douglas C. Herbert, counsel for defendant.

Pursuant to the parties’ stipulation, the Court hereby **DISMISSES** the case **with prejudice**.

IT IS SO ORDERED.

DATED this 14th day of November 2007.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge